

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD SOUTHERTON,

Plaintiff,

v.

BOROUGH OF HONESDALE, *et al.*,

Defendants.

NO. 3:17-CV-0165

(JUDGE CAPUTO)

ORDER

NOW, this 23rd day of February, 2018, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (Doc. 39) is **GRANTED in part and DENIED in part** as follows:

- (1) The Wage Payment and Collection Law claim in Count III of the Second Amended Complaint is **DISMISSED with prejudice**.
- (2) The First Amendment Petition Clause retaliation claim in Count V of the Second Amended Complaint is **DISMISSED without prejudice**.
- (3) Plaintiff has **twenty-one (21) days** from the date of entry of this Order to file a further amended complaint to properly plead his First Amendment Petition Clause retaliation claim (Count V); otherwise, that claim will be **dismissed with prejudice**.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge